HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3251 of 2005

Dated:24.08.2007

Between:

M/s. Saipriya Constructions Limited.

…Petitioner.

and

The Mandal Revenue Officer and others.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3251 of 2005

ORDER:

The petitioner's vendor, by name, Pilla Somasundara Rao, is allegedly an Ex-serviceman. He was allegedly assigned land admeasuring Acs.5.00 in survey No.130/7, under D-Form patta, dated 22.05.1982. He is allegedly in possession of the land. The petitioner purchased the said land under a registered sale deed, 25.06.1997 for consideration. The grievance of the petitioner is that the first respondent threatened him to dispossess the land stating that the said land belongs to Government. Therefore, the present Writ Petition is filed seeking a direction to respondents in trying to dispossess the petitioner from the land admeasuring Acs.5.00 in survey No.130/7.

In the counter-affidavit filed by the Mandal Revenue Officer, Visakhapatnam, it is specifically stated that the subject land is in occupation of the Government and that it was never assigned to Palli Somsundara Rao and the documents produced are forged and fabricated.

After hearing learned Counsel for the petitioner, learned Assistant Government Pleader for Revenue (Assignment) and learned Counsel appearing for Visakhapatnam Urban Development Authority (VUDA), this Court is of considered opinion that disputed questions of fact would arise in this case as to whether the land was assigned to the petitioner as alleged, whether the land was assigned to other persons and whether the land was handed over to VUDA for the purpose of development of township.

In similar writ petitions, being W.P.Nos.791 and 2056 of 2005, this Court considered the contention of the learned Assistant Government Pleader that the pattas produced by the petitioners are not genuine and they are forged and fabricated one. This Court took a view that an enquiry is necessary into this aspect. This Court disposed of the writ petitions directing the Mandal Revenue Officer to conduct enquiry.

Following the judgment in W.P.No.791 of 2005, dated 14.12.2006, this Writ Petition is also disposed of directing the Mandal Revenue Officer, Visakhapatnam, to conduct a detailed enquiry into the assignments made in favour of the Ex-servicemen. If it is ultimately found that the D-Form pattas are fabricated and forged, appropriate action shall be taken against all those responsible for such fabrication of forged D-Form pattas. The petitioner, however, cannot be evicted, unless appropriate action is taken under Andhra Pradesh Land Encroachment Act, 1905. In case, it is found that the D-Form pattas granted are genuine, it shall always be open to Government to resume the land after paying compensation as per law. This Court also observes that the Mandal Revenue Officer shall conduct enquiry within a period of three months from the date of receipt of a copy of this order, as directed hereinabove. No costs.

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(V.V.S.RAO, J)

24.08.2007

GJ